

April 1, 1996

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
700 Central Building  
810 Third Avenue  
Seattle, Washington 98104

DECISION ON CONDITIONAL USE PERMIT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. L92CU006

**SNOQUALMIE FALLS FOREST THEATER AND FAMILY PARK**  
Conditional Use Permit Application

Location: SE 1/4 of Section 24, TWN 24N, Range 7E; at terminus of Southeast David Powell Road  
east of Fall City

SUMMARY OF ACTIONS:

Division's Preliminary Recommendation:	Approve, subject to conditions
Division's Final Recommendation:	Approve, subject to conditions (modified)
Examiner Decision:	Approve, subject to conditions (modified)

PRELIMINARY REPORT:

The Land Use Services Division's Preliminary Report on Item No. L92CU006 was received by the Examiner on February 20, 1996.

PUBLIC HEARING:

In conjunction with reviewing the Land Use Services Division's Report, examining available information on file with the application, and visiting the site and surrounding area, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. L92CU006 was opened by the Examiner at 9:20 a.m., March 5, 1996, in Hearing Room No. 2, Department of Development and Environmental Services, 3600 - 136th Place S.E., Suite A, Bellevue, Washington, and closed at 12:20 p.m. The hearing record remained open until 4:30 p.m. to allow for written comment. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Applicant:	Snoqualmie Falls Forest Theater and Family Park P.O. Box 516 Bellevue, WA 98009
Agent:	Richard Wilson 1221 Second Avenue, #500 Seattle, WA 98009 Phone: 623-1745
Location:	SE 1/4 of Section 24, TWN 24N, Range 7E; at terminus of Southeast David Powell Road east of Fall City
STR:	24-24-7
Existing Zoning:	RA-10
Previous Zoning:	AR-10
Acreage:	98.6
Request:	Conditional Use Permit (CUP) for an outdoor theater and recreational camp/resort under KCC 21.44.030 (L.3 & 4)
Proposal:	A request to legalize the existing operation of the Snoqualmie Falls Forest Theater and Family Park ("SFFT & FP") to allow on-site plays and recreation, including children's day camps, picnics, and family reunions, etc.

Date of Application: July 10, 1992

2. Except as modified herein the findings and conclusions contained within the Land Use Services Division ("LUSD") preliminary report to the King County Hearing Examiner for the March 5, 1996, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the conditional use permit application, subject to conditions.
3. On July 10, 1992, the Snoqualmie Falls Forest Theater and Family Park filed a conditional use permit application to obtain formal authorization for a constellation of uses which have existed since the mid-1960s. Although a series of rezone and planned unit development ("PUD") applications were previously filed for this property dating back to 1971, no final PUD approvals have ever been conferred. As a consequence, in 1991 a code enforcement proceeding was brought against the property for violation of zoning requirements. This proceeding resulted in the filing of the instant conditional use permit application. The permit history for the property prior to this application is detailed within the LUSD staff report.
4. A determination of nonsignificance under SEPA was issued by the King County Environmental Division for the conditional use permit application on May 2, 1995. This threshold determination was appealed by neighboring property owners to the north, Keith and Donald Howe, doing business as Country Gardens. Based on the Hearing Examiner's authority to entertain SEPA threshold determination appeals, the hearing on the conditional use permit application, which is normally within the jurisdiction of the Zoning Adjustor, was consolidated with the SEPA appeal. After mediation a settlement of the SEPA appeal was negotiated between the Applicant and the neighboring property owners, which settlement stipulates to dismissal of the SEPA appeal. In order to expedite completion of the hearing process, the Hearing Examiner's office retained jurisdiction of the conditional use permit application.
5. The Forest Theater property comprises a wooded parcel just under 100 acres in size which lies on the south side of the Snoqualmie River west of the boundary for the City of Snoqualmie. The eastern two-thirds of the site is dominated by second growth conifer forest growing upon slopes of a steep to moderate character, at the bottom of which lies a stream and wetland system. The developed portion of the site consists of a flat meadow on the western half of the property which possesses a well, a septic field, various rustic buildings and an informal parking area. A trail to the east leads downslope to an open amphitheater which has a seating capacity for 225 viewers and is outfitted with rudimentary facilities for staging plays.
6. The Applicant is a nonprofit corporation formed for the original purpose of staging plays on the property during the summer season. The corporation also sells memberships which entitle members to use the property for hiking, fishing, picnicking and camping. In addition, weddings and other occasional special events are hosted. Finally, in recent years a day camp program, Challenges Northwest, has used the facility for camping and outdoor training targeted toward ten to twelve-year old school children. Wet season use of the property is generally consists of Challenges Northwest programs in the spring and fall and Christmas tree cutting by members in the winter. While the application and checklist both state unequivocally that the scope of the proposal is simply to maintain existing levels of activity and that no new sensitive area development is proposed, as the application record developed some controversy emerged between staff and Applicant as to whether levels of proposed activity were initially understated and certain sensitive areas impacts ignored. The controversy has largely resolved into disagreement over the type and extent of conditions which are appropriate to permit approval.
7. The primary conflict between the Applicant and the owners of Country Gardens adjacent to the north concerns traffic levels to and from the Forest Theater property. The Forest Theater is located 2.7 miles east of the Preston-Fall City Road, with 2.5 miles of this distance consisting of the public right-of-way for David Powell Road. The last two-tenths of a mile of the access road is a private 16-foot wide paved driveway across the Country Gardens property. Since a settlement agreement has been concluded between the Applicant and Country Gardens concerning the gating and use of the easement access road, issues concerning the offsite impacts of Forest Theater traffic on neighboring properties no longer appear to be significant.
8. Remaining issues concerning the private access road focus upon its physical adequacy. As presently constructed, the road is steep and narrow and does not meet King County Road Standards requirements. A major portion of the road is between 10 and 15% in grade, with one section at approximately 17%. In order to avoid imposing on the Applicant a requirement for a major upgrade of the access road, the King County Road Engineer has made a finding that the conditional use permit proposal will not create a new use significantly in excess of historic levels. Based on this finding, the Road Engineer has concluded that the existing roadway can continue to be used with only minor improvements for two turn-outs so that large vehicles can pass one another in an emergency situation. Conceptual approval has been conferred for proposed turn-out locations, with final engineering plans needing to be submitted.
9. A further traffic-related concern involves onsite parking. While the meadow currently has parking capacity for some 150 cars with an overflow section also designated, the parking area is currently unsurfaced. Imposition of required parking standards result in the necessity to provide a minimum graveled parking area for 100 cars. The Applicant may seek to avoid this requirement by requesting a variance from its

mandatory application. But, if the requirement to construct a gravel parking area is deleted or significantly modified, such fact may in turn affect the level of wet season use which is appropriate for the site.

10. Other factors which may limit the levels of site development and activity appropriate to the property focus upon water and sewage disposal services and Fire Marshal requirements. The Fire Marshal has agreed to accept access road improvements limited to the two new turn-arounds described above on the premise that traffic levels will not exceed historic levels. In addition, both the water and sewage disposal systems are sized for only a moderate level of site use, and permitted site operations need to reflect these limitations or otherwise alternative facilities must be provided.
11. With the exception of the steep slopes lying adjacent to the access road, most site development is located in areas where sensitive areas impacts can be avoided. A second exception is the existing trail system, which in places crosses streams and wetlands and, in at least one instance, contains a bridge which may block upstream fish passage. However, the largest area of controversy between staff and Applicant concerning sensitive areas involves the use by Challenges Northwest of the Class 2 perennial stream on the eastern half of the site. The Challenges Northwest program includes use of the stream channel as an obstacle by groups of school age students, with exercises designed to develop teamwork in the construction of temporary overpasses and bridges.
12. LUSD staff has identified these temporary crossing activities as potential stream intrusions which could have significant adverse impacts if they occur in areas of salmonid spawning. LUSD staff ecologist Laura Casey identified potential adverse impacts attributable to day care program activities as including alteration of the stream bed, disturbance of the stream substrate, removal of buffer vegetation and the stressing of fish by overhead activity. In order to determine the seriousness of such impacts Ms. Casey has recommended that a stream survey be done to identify salmonid spawning habitat locations within the stream system and to focus, if possible, day care activities away from such habitat.
13. The Applicant has responded to Ms. Casey's concerns by first questioning whether there is any evidence that anadromous salmon use this section of stream; second, by asserting that the use of the stream system by the day care program is environmentally sensitive and results in minimum harm; and, third, by denying the need for further habitat study based on recent reports done within the upper portion of the stream system by Beak Consultants.

Two of these responses are clearly unpersuasive. First, the Sensitive Areas Ordinance operates to protect all salmonid streams, not just habitat for anadromous species. Therefore, the documented existence just upstream of cut throat and rainbow trout establishes the probability that the stream onsite contains viable salmonid habitat. Second, it is simply not credible to suggest that the frequent use of a stream bed by groups of pre-adolescents, no matter how well supervised, is a non-impactive event. Given the fact that fish eggs and recently hatched fry are nearly undetectable to the untrained eye, the risk of innocent intrusion into valuable habitat cannot be dismissed.

14. The Beak studies, which included reconnaissance of the stream channel on the Forest Theater property, provides ample basis for believing that salmonid spawning habitat could exist on the Forest Theater site and that intrusions into the stream bed could have harmful adverse impacts. The reconnaissance field notes characterize the onsite stream as providing suitable depth and gradient for anadromous spawning use but identify poor bank stability and potential for sedimentation as limiting factors on egg development. Similarly, adequate spawning habitat was identified for resident trout, again with the sedimentation potential as a constraint. However, the onsite flatter reaches of the stream contain runs and pools which provide abundant year around habitat for trout rearing. The Beak field notes also express a degree of surprise that such an abundance of apparently suitable trout habitat was characterized by an absence of visible fish life.
15. These facts combine to support the need for further information if day care use of the stream habitat is proposed to continue. The fact that suitable salmonid habitat exists but appears to be under-utilized suggests the possibility that historic disturbance patterns are indeed having an adverse effect. This fear is exacerbated by the fact that the fine soils within the stream bank are highly susceptible to disturbance and siltation. Such a soils condition means that a relatively minor stream disturbance may have the effect of smothering salmonid eggs. Therefore, if areas exist onsite where good spawning habitat conditions exist, the Sensitive Areas Ordinance requires such habitat to be protected not only against permanent development but also against temporary, well-intentioned acts of disturbance.

Finally, the record demonstrates no basis for concluding that the Challenges Northwest exercises require access to a flowing stream bed for their successful implementation. The challenge element which the exercises seek to create appears to be primarily a function of height and can be as well simulated over a dry ravine as a wet one, or if need be, can be obtained through the use of constructed platforms.

**CONCLUSIONS:**

1. KCC Chapter 21.58 provides the standards for review of a conditional use permit application. These standards allow such uses to be approved based on findings that they will not create an incompatible or hazardous condition. KCC 21.21A.010 provides a purpose statement for the AR zone, which is described as one designed to preserve the long term rural character of the area through an appropriate level of facilities and services and such low impact uses as may be consistent therewith. Appropriate uses listed include tourism and recreation. Within the AR zone KCC 21.44.030 specifically authorizes conditional use permits to be issued for open recreational uses, including a variety of camps and resorts, and outdoor theaters. Clearly, the general types of uses proposed by this Applicant are consistent with the provisions of the AR zone.
2. As argued by the Applicant's attorney, issues of compatibility mainly involve the Forest Theater's relationship to the Country Gardens property adjacent to the north. The level of Forest Theater use of the access easement road through the Country Gardens property appears to have been an ongoing source of contention over a number of years. The settlement agreement recently concluded between the Applicant and Country Gardens effectively resolves these compatibility issues by placing numerical limitations on access road use. No one has suggested that the level of traffic generated by this facility places an unreasonable burden on the public portions of the David Powell Road or its residents.
3. The issue of the proposal's ability to avoid creating nuisance or hazardous conditions is somewhat more complex. When necessary facilities such as potable water and sewage disposal become burdened beyond their capacity, or if provision of emergency services is jeopardized by the inadequacy of the access road, the resultant deficiencies threaten to create hazardous conditions to members of the public who use the site. In like manner, in view of King County's strong policy supporting the protection of streams with salmonid populations, activities which threaten the biological health of such streams can also create unacceptable hazards to sensitive areas and the wildlife populations resident therein. It is, therefore, both reasonable and necessary to place conditions on the use permit which assure that the level and type of activities conducted on the property will neither exceed the carrying capacity of essential services and facilities nor unduly impinge upon protected sensitive areas.
4. Nonetheless, we agree with the Applicant that the proposed staff conditions go too far in attempting to micro-manage the property. The fact that an ongoing monitoring process will be required negates the need to establish at this level of review an abundance of detailed standards and limitations. The monitoring plan, if it functions properly, provides a mechanism for adjusting site use to actual circumstances as they may change. Too rigid a set of numerical limits would compromise the flexibility needed to make the monitoring plan successful. Rather, in view of this property's past regulatory history, a primary focus ought to be to require the Applicant to complete in a timely manner the upgrades needed for appropriate site use. The conditions of approval contain time limits appropriate to achieve this goal.

**DECISION:**

APPROVE the conditional use permit application of the Snoqualmie Falls Forest Theater and Family Park (File No. L92CU0006) for the uses and facilities described below, subject to the following conditions:

1. Uses and facilities of the SFFT & FP are described and defined as follows:
  - a. Forest theater: Forest Theater use is defined as use of the park for theater performances and associated meals served at the park for members and non-members upon payment of a fee, other than the SFFT & FP membership fee. Forest Theater use shall also include amplified music, drama, theater events, lectures, conferences, fairs, entertainment, exhibitions, ethnic cultural events. Rock festivals, jazz festivals, or similar events shall not be permitted on the property. A maximum of 50 performances each year may be scheduled between June 1st and September 30th each year.
  - b. Day Camp: Day camp use is defined as outdoor camp activities for school-age children. Limitations on day camp use may be necessary to assure conformance with water and sewage disposal capacity restrictions and to protect sensitive areas.
  - c. Member Events: Use of the park by members and their guests for picnics, family reunions, weddings, or similar social activities for more than 10 people.
  - d. Other Member Use: Hiking, picnics, fishing, other related recreational activities, and Christmas tree cutting year-round. Any other forest practices may be conducted consistent with state law and King County grading and clearing requirements.
  - e. Member Camping Use: Camping is available for a maximum of 50 individuals per night or a maximum of 20 vehicles, whichever is more restrictive.
  - f. Total Daily Park Use: Shall be established within the Park Management Plan (see Condition No.

2) and at a minimum shall be consistent with the following standards and limits:

- i. A maximum vehicle use of 310 round trips per day along the easement access road.
- ii. The availability of onsite parking areas suitably surfaced for wet season use.
- iii. The capacity limits of the water and sewage disposal systems.
- iv. Fire Marshal requirements.
- v. Protection of streams and wetlands from adverse impacts.
- vi. Applicable state laws and county ordinances.
- vii. Any other specific requirements of this permit.

2. CUP Development and Park Management Plan:

- a. No later than one year after the date of this decision a Park Management Plan shall be submitted to Land Use Services Division for its approval and shall include the following components:
  - i. State Department of Health approval for the potable water system.
  - ii. County Health Department approval of the sewage disposal system, including any requirements for sanikan use.
  - iii. Building and occupancy permits issued for the three facilities identified in Condition No. 9.
  - iv. Sensitive areas studies required by Condition No. 7.
  - v. Final engineering plans for the access improvements required by Condition No. 8.
  - vi. A plan for improving 100 parking stalls with gravel surfacing, or an approved variance granting relief from such requirement.
  - vii. A schedule for completing construction of all improvements required by this permit within applicable time limits, which in no instance shall exceed two years from the date of this decision.
- viii. A plan for site operations which is consistent with the terms and limitations of this permit, with any subsidiary permits or approvals mandated hereunder, and with studies required to be performed pursuant to this CUP.
- ix. A monitoring plan which identifies performance standards for measuring compliance with the limitations and requirements of this permit. Such plan, at a minimum, shall contain provisions for measuring site traffic and facility attendance, for recording the types of activities held at the site, and for detecting damage to stream habitat.
- x. A revised site plan showing all new improvements proposed or required hereunder.
- b. Park usage pursuant to the Park Management Plan reviewed and approved by LUSD shall be monitored for each of the two years immediately following approval of the Park Management Plan and every five years thereafter during the term of this permit.
- c. Any monitoring required hereunder shall be based on a yearly cycle beginning on November 1 and ending October 31, with the subsequent monitoring report due by the following February 1. Pursuant to KCC 21.36.020(H) or its successor, LUSD shall be reimbursed for review of the Park Management Plan and annual monitoring reports.
- d. If the permittee and LUSD cannot agree on the plan for site operations required by Condition 2.a.viii or the monitoring plan required by 2.a.ix, either party may request a hearing before the King County Hearing Examiner to resolve outstanding issues and determine the requirements of the disputed plan.
- e. If monitoring required hereunder demonstrates site usage inconsistent with the limits and/or terms of this CUP, Snoqualmie Falls Forest Theater and Family Park shall either submit a revised Park Management Plan which conforms such usage to the requirements of this permit or shall apply for an amendment to this CUP. Failure to comply with CUP conditions shall be cause for initiation of

permit revocation or modification proceedings.

3. Fire Engineering: Existing buildings shall not be required to relocate or be removed for fire separation as interpreted by the Building Services Division Fire Engineering Section. Buildings shall be less than 2,500 square feet in area due to the lack of water availability for fire flow.
4. Camping: Camping shall be allowed only in the upper meadow area.
5. Drinking Water: The Snoqualmie Falls Forest Theater and Family Park shall obtain Washington State Department of Health ("WSDH") and King County Department of Health ("KCDH") approval for drinking water. Park usage shall be based on the maximum usage anticipated and permitted through this approval.

Should Snoqualmie Falls Forest Theater and Family Park be unable to obtain WSDH approval for drinking water serving the maximum daily usage proposed, it shall submit a Park Management Plan to King County DDES which appropriately limits daily usage consistent with the WSDH approval.

Snoqualmie Falls Forest Theater and Family Park shall obtain approval of WSDH and KCHD for its drinking water within six months of this order, or this CUP shall become null and void.

6. Sewage: Park usage entailing over 600 people on-site shall require use of sanikans. The Snoqualmie Falls Forest Theater and Family Park shall obtain King County Health Department approval for use of sanikans during such events. Snoqualmie Falls Forest Theater and Family Park shall develop a park management plan for use of sanikans acceptable to the King County Health Department within six months of this order, or this CUP shall become null and void. If SFFT & FP agrees to limit usage on each day to 600 or less patrons, a Health Department approval for sanikan usage is not required.

7. Sensitive Areas:

- a. SFFT & FP shall file a Notice on Title (per KCC 21.54.100) with the King County Office of Records and Elections to record the general location and presence of steep slope and erosion hazard areas; wetlands, springs, and streams; and sensitive area buffers on the property. SFFT & FP shall comply with administrative rules of DDES for filing Notice on Title.
- b. Sensitive area buffers consisting of undisturbed vegetation shall be maintained adjacent to sensitive areas. No trees or other vegetation shall be cut, and no other alterations shall occur in the sensitive area or its buffer without DDES approval. On-site trails and road turnouts are the only improvements potentially allowed in steep slope buffer areas.
- c. A building setback line ("BSBL") shall be maintained from the edge of the sensitive area buffers per KCC 21.54.
- d. A trail plan shall be developed for the site to establish the location and dimensions of existing trails through sensitive areas as a baseline for the review of future trail development and improvements; it shall be reviewed and approved by the Division Manager. This CUP approval does not prohibit further trail development, but trails must be consistent with and comply with current sensitive area requirements at the time of filing applications with King County for trail development.
- e. Unless the permittee in its Park Management Plan commits to restricting day camp and recreational activity to areas lying outside of streams and their required buffers, a qualified stream biologist shall prepare a stream study to identify and map stream areas, if any, where temporary crossings may occur without disturbing salmonid spawning habitat.
- f. Site activities shall be restricted from occurring within or over locations on the Class 2 stream where salmonid spawning areas are found. Organized activities, including day camp bridge construction, high stream crossing, and zip line cable crossing, shall avoid use of these spawning areas and shall be conducted in identified locations, as approved by LUSD, where stream and buffer impacts can be minimized.

A qualified stream biologist shall also assess existing pedestrian bridges across the stream(s) for fish passability. Those bridges which do not allow passage of salmonid species shall be replaced with fish passable structures per RCW 75.20.060.

- g. A geotechnical report shall be prepared addressing the presence of steep slopes adjacent to the proposed driveway turnouts and the size of buffers necessary to protect adjoining slopes if they are determined to be steep slopes regulated by KCC 21.54.
- h. Prior to the start of construction of the driveway turnouts, the boundary between the steep slope buffer and the building setback area shall be staked in accordance with the definition of the top of steep slope contained in the King County Zoning Code. The staking shall be done by a licensed

surveyor and approved by King County.

8. Driveway Improvements: The SFFT & FP shall make the following improvements to the driveway into the subject property:
  - a. At the SFFT & FP entry, provide an area allowing for a vehicle hammerhead turnaround on the SFFT & FP property for times when the entry gate is locked and alternative access for turnaround is unavailable. This hammerhead may be graveled and shall be posted with a No Parking/Tow Away sign.
  - b. Relocate the entry gate, as necessary, to accommodate the hammerhead turnaround as described in 8.a, above.
  - c. Improve two paved driveway turnouts for vehicle passage along the access drive in the park, providing a total surface width of 20 feet (drive and turnout). The first turnout shall be placed approximately opposite the maintenance driveway to the amphitheater, and the second shall be located at the hilltop at the main meadow entry generally as shown on plans submitted July 30, 1995. See limitations placed on development in Conditions 7.g and h, above.
  - d. Place a 10 mph speed limit sign on the publicly-unmaintained portion of the David Powell Road and the on-site driveway. Along the on-site driveway, post and maintain No Parking signs between the property entry and the top-of-hill area where the parking lot is located.
9. Building Construction and Permits: SFFT & FP shall obtain building permits and occupancy certificates for buildings 2, 5 and 5A identified within Section E of the DDES staff report.

Building permits required by this condition shall be obtained within 12 months of this decision, and final approvals for construction (issuance of certificates of occupancy) shall be obtained within 12 months of building permit issuance, or this permit shall become null and void.
10. Campfires: Campfires shall be restricted to ten designated fire pits identified on the revised site plan for King County approval. SFFT & FP shall comply with all other applicable laws and regulations of King County and the State of Washington relating to pollution control and limits on and the safe operation of campfires.
11. Noise: Use of the property shall comply with KCC Title 12 for noise control. Failure to comply with maximum noise emissions in a rural area shall be cause for CUP revocation under KCC 21A.
12. Pets: Pets must be on a leash and under control of owners at all times.
13. No activities not specified within this approval shall be allowed on-site as long as this CUP approval remains in effect. A new application for a CUP or CUP modification is required to add additional uses or increase the intensity of an existing usage. This restriction applies to both uses allowed outright and those subject to issuance of a discretionary permit under KCC 21A.

Temporary uses allowed under KCC 21A shall not be approved by King County if such action permits new or larger events to be held onsite; provided that, this restriction shall not prohibit SFFT & FP from utilizing the provisions of KCC 21A.32.110(B) which authorize an event without a temporary use permit for not more than two days each calendar year.
14. This permit relies on the operation of a settlement agreement dated March 4, 1996, between Snoqualmie Falls Forest Theater and Country Gardens containing easements, covenants, conditions and restrictions which mitigate certain impacts of the application proposal. The permittee shall provide LUSD with copies of any amendments or additions to such agreement executed by the parties or their successors within 30 days of the recordation thereof. Failure to comply with this condition shall be grounds to revoke or modify the CUP.

ORDERED this 1st day of April, 1996.

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Stafford L. Smith, Deputy  
King County Hearing Examiner and Acting Zoning Adjustor

TRANSMITTED this 1st day of April, 1996, to the following parties and interested persons:

R. Anderson	Preston & Betty LeBreton
Norris J. Anderson	Dorothy Lehman
Mildred Anderson	Eric/Melinda Lilley
Harry Bayman	Willis/Jennifer Litthe
Mary Jo Beck	
Kevin Benedet	
Michael/Lori Blank	
Carl Blomberg	
Ms. Dean Bogar	
C. W. Bollinger	
Robin Bowles	
Winifred Brinster	
Linda Broderick	
Irma & Howard Brown	
Lisa Buickhard	
Burke Family	
Ronald Burley	
Patty Burnard	
Pam/Joe Buss	
Robert Carignan	
Sherry Christensen	
Sharon Clark	
Elaine Clement	
Rae Colborne	
Diane/James Cooley	
Mitch & Sandy Crim	
D. Crist	
Scott Crist	
K.P. Cross	
Frederick/Gail Cunningham	
Hugh Davy	
Theresa O'Leary/Doug Day	
Charles T. Day	
Dorothy & Herman Diers	
A. John Doty	
Dennis Doty	
Toni Douglass	
Dr. M.F. Dunning	
Clarice Eaden	
David Edwards	
Bruns Family	
Burke Family	
Brian/Cleo Flynn	
Deborah Friend	
Mildred Gates	
Robin and Emil Giese	
Jorgene Giovaneth	
Peg Glasgow	
Sheryl Glasgow	
Mary Etta Goes	
Mary Goplerud	
Deborah Groesbeck	
A. Vergie Gulerig	
George & Jean Haffner	
Ben Harrison	
Ed/Arlene Hautala	
Lori M. Hittle	
Keith Howe	
Donald and Willa Howe	
Samuel Jacobs	
Robert E. James	
Charles and Marion Jessup	
Cynthia/Rich Johnson	
Sally/Barry Kennelly	
W. Chester Kingsbury	
Lillian and Curtis Klutts	
Paul Koss	
George A. Kresovich	
Cathy Krug	



Stan Gill/Hannah Logan  
Anne Ludler  
Stephen Markus  
Ngo Masel  
Gladys/George McNally  
Kristen/Allen Minner  
Faye Mulliken  
Marguerit Nelson  
Jerry Neyland  
Theresa/Gerald Nikolaisen  
Mayo Ochiltree  
Jim Orr  
Bob Parsons  
Lena Parvin  
Rebecca Pearce  
Susan & David Peterson  
Daniel Peterson  
Donavan Pinkston  
Christy Potts  
Corinna Powell  
Courtney Powell  
Robert Power  
Nancy Quint  
J. & Susan Rendahl  
T. Richardson  
Dorothy & Jim Roberge  
Carolina Robertson  
Heather Rodriguez  
Audrey Roos  
Ron/Sandy Rose  
Ronald/Mildred Rosie  
Beth/John Schmidt  
Sheryl Schmit  
Ms. Agnes Schmoe  
Audrey Schroeder  
Dot Sennstrom  
Chelsea/Rachael Shapiro  
Patricia Sherwin  
Clarice/Daniel/Jesse Sieden  
Victoria Simpson  
James/Sandra Skeel  
David Skelding  
Brent Smith  
Horton/Lei-llah Smith  
W.G. & Jan Snyder  
Ms. Warren B. Spickard  
Ward Squires  
Patricia Sutherland  
Mel Thompson  
Ted Troemel  
Adrienne Turley  
C. Tunick  
L.B. Varmes  
Kathi Ward  
Carol Ann/Robert Waters  
Ashley Welch  
Virginia Westberg  
Roger Westborg  
Kathleen Healy Wilson  
Richard Wilson  
Frances/Robt Yerbury  
Dianna Zimmerman

Tom Beavers, KC Dept of Natural Resources  
Celeste Botha, DDES  
Steve Bottheim, DDES/LUSD  
Laura Casey, DDES/LUSD  
Luanne Coachman, DDES/Environmental Division  
Jerry Cox, KCDept of Health, East District Office  
Don Finney, DDES/LUSD  
Curt Horner, Environmental Health  
Aileen McManus, DDES  
Ellen Turner, DDES/Environmental Division  
Lisa Pringle, DDES/LUSD  
Karen Scharer, DDES/LUSD  
Bob Wood, DDES/LUSD

RIGHT TO APPEAL

This land use action may be appealed in writing to the King County Hearing Examiner, with a fee of \$125.00 (check payable to King County Office of Finance). Because in issuing the above decision a Deputy Hearing Examiner was acting in lieu of the Zoning Adjustor, any subsequent appeal is subject to the procedures governing Zoning Adjustor appeals and will be assigned to a different Examiner.

As required by KCC 20.24.090, appeals must be filed within ten (10) calendar days from the date of transmittal, and appeal arguments shall state with SPECIFICITY the decision being appealed and the reasons why the Zoning Adjustor's decision should be reversed or modified.

Arguments must be based on the record before the Zoning Adjustor, and new information will not be accepted on appeal by the Hearing Examiner. Appeals must be directed to any errors of fact, procedures or conclusions made by the Zoning Adjustor, which constitute the sole grounds for remand, reversal or modification of the decision pursuant to King County Code 21.58.070.

Appeals must be submitted to the Land Use Services Division addressed as follows:

**ZONING ADJUSTOR APPEAL**  
Land Use Controls Unit  
Land Use Services Division  
Department of Development and Environmental Services  
3600 136th Place Southeast  
Bellevue, WA 98006-1400

MINUTES OF THE MARCH 5, 1996, PUBLIC HEARING ON DDES FILE NO. L92CU006 - SNOQUALMIE FALLS FOREST THEATER AND FAMILY PARK CONDITIONAL USE PERMIT APPLICATION.

Stafford L. Smith was the Hearing Examiner and acting Zoning Adjustor in this matter. Participating in the hearing were Karen Scharer and Luanne Coachman for King County; Richard Wilson, Samuel Jacobs, Keith Howe, Ben Harrison, Jerry Neyland and Paul Koss.

The following exhibits were offered and entered into the hearing record:

Exhibit No. A	Omitted
Exhibit No. B	Omitted
Exhibit No. C	Staff report dated March 5, 1996
Exhibit No. D-1	Application - received July 10, 1992
D-2	Legal description
D-3	Justification for approval
D-4	Omitted
D-5	Environmental checklist
D-6	Project plans
D-7	Revised project plans
D-8	Assessor's maps:
	a. 24-24-7 (received July 10, 1992)
	b. (5) maps received May 15, 1995
D-9	Certificate of Water Availability

	D-10	Certificate of Sewer Availability
	D-11	Fire District receipt
Exhibit No. E-1		Notices of public hearing for September 12, 1995, hearing
	E-2	List and addresses of agencies
Exhibit No. F		Legal notices to papers for publication (Seattle Times and Valley Record)
Exhibit No. G		Affidavits of Publication (Seattle Times and Valley Record)
Exhibit No. H		Notice board posting notice and affidavit of posting (September 12, 1995, hearing)
Exhibit No. I		Omitted
Exhibit No. J		500-foot radius notice and addresses
Exhibit No. K		Omitted
Exhibit No. L		Memorandum dated Jun 7, 1995, transmitting duplicate file to Examiner for June 14, 1995, prehearing conference
Exhibit No. M		Omitted
Exhibit No. N		Notice of Prehearing Conference dated June 22, 1995
Exhibit No. O		Order of Continuance dated August 18, 1995
Exhibit No. P		Order of Continuance dated August 30, 1995
Exhibit No. 1		Letter dated July 10, 1992, from Richard Wilson to King County Code Enforcement
Exhibit No. 2		Staff photographs (5 pages) dated August 20, 1992
Exhibit No. 3		Letter dated August 26, 1992, from Victoria Simpson (Hillis clark) to Fereshteh Dehkordi (LUSD)
Exhibit No. 4		Letter dated September 25, 1992, from Gary Kohler to Victoria Simpson
Exhibit No. 5		Motion No. 63695
Exhibit No. 6		Letter (with enclosures) dated November 11, 1992, from Ward E. Squires to Gary Kohler
Exhibit No. 7		Letter (with enclosures) dated December 24, 1992, from Ward E. Squires to Subdivision Products Section (Fereshteh Dehkordi)
Exhibit No. 8		Staff photographs (11) - January 28, 1993
Exhibit No. 9		Letter dated February 25, 1993, from Gary Kohler to Ward E. Squires
Exhibit No. 10		Letter dated March 8, 1993, from Richard Wilson to Gary Kohler
Exhibit No. 11		Kitchen remodel plan dated February 28, 1993
Exhibit No. 12		Letter (with enclosures) dated March 31, 1993, from Ward Squires to Gary Kohler
Exhibit No. 13		Letter (with enclosures) dated May 17, 1993, from Ward Squires to Gary Kohler
Exhibit No. 14		Letter dated June 16, 1993, from David Radabaugh to Richard Wilson
Exhibit No. 15		Letter (with attachments) dated June 25, 1993, from Keith and Donald Howe to Ellen Winningham (Washington State Department of Health)
Exhibit No. 16		Letter (with attachments) dated August 15, 1993, from Ward Squires to David Radabaugh, SEPA Section
Exhibit No. 17		Letter dated January 13, 1994, from Tina Morehead (Environmental Planner) to Richard Wilson
Exhibit No. 18		Letter dated march 24, 1994, from Gary Kohler to Richard Wilson
Exhibit No. 19		Letter dated May 4, 1994, from Richard Wilson to Gloria Chow (Code Enforcement)
Exhibit No. 20		Letter (with attachments) dated May 9, 1994, from Ward Squires to Karen Scharer, LUSD
Exhibit No. 21		Letter dated May 16, 1995, from Ward Squires to Willa Howe
Exhibit No. 22		Letter dated May 17, 1994, from Ward Squires to Karen Scharer
Exhibit No. 23		Letter (with attachments) dated July 6, 1994, from Tina Morehead to Richard Wilson
Exhibit No. 24		FAX dated August 31, 1994, from Richard Wilson to Tina Morehead
Exhibit No. 25		Letter (with attachments) dated February 1, 1995, from Richard Wilson to Tina Morehead
Exhibit No. 26		Memorandum dated February 21, 1995, from Tina Morehead, SEPA to Aileen McManus, Roads Division
Exhibit No. 27		Memorandum dated February 21, 1995, from Tina Morehead to Laura Casey
Exhibit No. 28		Letter dated March 9, 1995, from Jesse Krail (Roads and Engineering Division) to Ward Squires
Exhibit No. 29		Determination of Nonsignificance issued May 2, 1995
Exhibit No. 30		Letter dated May 12, 1995, from Robin and Emil Giese to Environmental Division
Exhibit No. 31		SEPA appeal received May 17, 1995
Exhibit No. 32		Modified site plan outlining Challenges Northwest area - received May 17, 1995
Exhibit No. 33		Building Services Division permit records - entered by staff June 12, 1995
Exhibit No. 34		Letter dated June 7, 1995, from Preston and Betty LeBreton to Karen Scharer
Exhibit No. 35		Letter dated June 1, 1995, from Richard Wilson to Luanne Coachman
Exhibit No. 36		Letter dated May 16, 1995, from Ward Squires to Karen Scharer
Exhibit No. 37		Letter received June 5, 1995, from Dorothy and Jim Roberge to Karen Scharer
Exhibit No. 38		Revised and Approved (by the Board) Rules and Regulations of Snoqualmie Falls Forest Theater and Family Park; Facilities Use Requirements; and Caretakers Job Description
Exhibit No. 39		Letter dated June 16, 1995, from Irma T. Brown to Karen Scharer
Exhibit No. 40		Letter dated June 24, 1995, from Robin and Emil Giese to Karen Scharer
Exhibit No. 41		Letter dated July 30, 1995, from Ward Squires to Karen Scharer
Exhibit No. 42		Letter dated August 3, 1995, from Joan Haffner to Karen Scharer

Exhibit No. 43	Letter dated July 5, 1995, from Cynthia Johnson to Karen Scharer
Exhibit No. 44	Letter dated August 8, 1995, from Mary Goplerud to Karen Scharer
Exhibit No. 45	Letter received August 22, 1995, from Dorothy Lehman to Karen Scharer
Exhibit No. 46	Letter received August 22, 1995, from Clarice Eaden to Karen Scharer
Exhibit No. 47	Letter dated August 23, 1995, from Patty Burnard to Karen Scharer
Exhibit No. 48	Letter dated August 27, 1995, from the Burke family to Karen Scharer
Exhibit No. 49	Letter dated August 27, 1995, from Chester Kingsbury to Karen Scharer
Exhibit No. 50	Letter dated August 28, 1995, from Marcelle F. Dunning to Karen Scharer
Exhibit No. 51	Letter dated September 4, 1995, from Charles W. Bollinger to staff
Exhibit No. 52	Letter dated September 5, 1995, from Sheryl Schmit to Karen Scharer
Exhibit No. 53	Letter dated September 9, 1995, from Mr. and Mrs. Dean Bogar "To Whom It May Concern"
Exhibit No. 54	Letter dated September 10, 1995, from Dorothy and Jim Roberge to DDES/LUSD
Exhibit No. 55	SFFT comment cards with comments and names
Exhibit No. 56	SFFT comment cards without comments, names only
Exhibit No. 57	Motion to Provide for Mediation
Exhibit No. 58	Motion for Continuance if Mediation is Unsuccessful
Exhibit No. 59	Letter dated August 16, 1995, from Robert E. James (State of Washington Dept. of Health) to Ward Squires
Exhibit No. 60	Letter dated August 24, 1995, from Agnes Schmoe to DDES/LUSD
Exhibit No. 61	Letter dated August 23, 19095, from Mr. and Mrs. Emil Giese to DDES/LUSD
Exhibit No. 62	Letter dated September 21, 1995, from Toni A. Douglass to DDES/LUSD
Exhibit No. 63	Letter dated December 18, 1995, from Richard Wilson to James O'Connor
Exhibit No. 64	Letter dated December 28, 1995, from Samuel M. Jacobs to James N. O'Connor
Exhibit No. 65	Letter dated January 3, 1996, from Hugh Davy to Lisa with address change and POR request
Exhibit No. 66	Pre-Hearing Order dated January 9, 1996
Exhibit No. 67	Memorandum dated January 11, 1996, from Karen Scharer to James O'Connor
Exhibit No. 68	Order on Request for Modification of Pre-Hearing Order
Exhibit No. 69	FAX dated January 22, 1996, from Bob Wood to Cheryle Packard with current POR list
Exhibit No. 70	Waiver of Limits executed by Lisa Pringle for Karen Scharer
Exhibit No. 71	Notice of Rescheduled Land Use Public Hearing
Exhibit No. 72	Notice Board Instructions/Text set to Applicant January 24, 1996
Exhibit No. 73	Hearing notice sent to all PORs (500' radius, agencies and others)
Exhibit No. 74	Legal ads to Seattle Times and Valley Record
Exhibit No. 75	Amended Pre-Hearing Order; Notice of Postponement
Exhibit No. 76	Affidavit of Posting
Exhibit No. 77A	Affidavit of Publication - Seattle Times B Valley Record
Exhibit No. 78	Undated memorandum from Karen Scharer to Luanne Coachman re comments for draft report
Exhibit No. 79	Request for Modification and Clarification of Pre-hearing Order
Exhibit No. 80	Motion of Snoqualmie Falls Forest Theater for Continuance of Hearing Date
Exhibit No. 81	Letter (with attachments) dated January 18, 1996, from Ward Squires to DDES/LUSD
Exhibit No. 82	Letter received February 1, 1996, from Ron and Millie Rosie to Mark Carey, DDES/LUSD
Exhibit No. 83	Memorandum dated February 1, 1996, from Karen Scharer to James O'Connor
Exhibit No. 84	Country Gardens Expert Witness List
Exhibit No. 85	Memorandum dated February 13, 1996, from Laura Casey to Karen Scharer
Exhibit No. 86	Memorandum dated February 15, 1996, from Karen Scharer to James O'Connor
Exhibit No. 87	Order for Discovery
Exhibit No. 88	Letter dated February 28, 1996, from Luanne Coachman to Samuel Jacobs
Exhibit No. 89	Recommended additional condition 7.f submitted by staff
Exhibit No. 90	Statement prepared and read into record by Ben Harrison
Exhibit No. 91	Addendum to Conditional Use Permit application
Exhibit No. 92	Letter dated November 4, 1994, from Beak to Ward Squire
Exhibit No. 93	Applicant's memo on conditions imposed
Exhibit No. 94	Howe/Snoqualmie Falls Forest Theater Settlement Agreement
Exhibit No. 95	Staff recommended changes to preliminary report